

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARL F. BORGMAN,

Plaintiff,

Civil Action No. 11-12938

v.

HON. MARK A. GOLDSMITH

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION, (2) DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT, and (3) GRANTING IN PART PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Mona K. Majzoub, issued on July 9, 2012 (Dkt. 15). The Magistrate Judge recommends that the Commissioner's motion for summary judgment be denied, that Plaintiff's motion for summary judgment be granted, and that the matter be remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Despite requesting – and being granted – an extension of time in which to file objections to the R&R, the Commissioner has not done so, and the extended deadline of August 1, 2012 has now expired. Therefore, the Commissioner has waived any further right to challenge the R&R. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and concludes that the Magistrate Judge has reached the correct result for the correct reasons. Accordingly, the Magistrate Judge's R&R is accepted and adopted as the findings and

conclusions of the Court, the Commissioner's motion for summary judgment (Dkt. 13) is denied, Plaintiff's motion for summary judgment (Dkt. 10) is granted in part, and the matter is remanded for further administrative proceedings, as described by the Magistrate Judge in her R&R, pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED.

Dated: August 16, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 16, 2012.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager